

1870-012 Chancery Causes: William A. Jones & vs. Joseph Ely  
Lee Co.

Reple

CA. Debt



Virginia Lee County Court Tont

To the honorable Judge of the Lee County Court, in chancery, sitting, your orators William A Jones, James, F. Jones & John Rine humbly Complaining, respectfully represents to your Honor, That heretofore writ on the day of 18 a writ of Fieri issued from the Clerks office of the Lee County Court in favor of James Crabtree for the Benefit of Joseph ~~Hy~~ against your Complainants for the sum of \$1162.25 cts the penalty of a forthcoming bond & costs with Legal interest thereon from the 15th day of Feby 1861 until paid. Said Fieri was properly & legally payable with and by the sum of \$ half the amount of said penalty & interest thereon from the date herein before stated. Said Fieri came to the hands of John Parsons Sheriff of said County, whilst it was in full force, and whilst it was in his hands & in full force your orators paid the said Sheriff thereon on the 2d day of April 1863 three hundred fifty dollars, and took his receipt for it here filed marked (A) and made a part of this Bill. your orators further charge that afterwards to wit on the 24th of Sept 1869 they paid to Wm W Sage Sheriff of Lee County on said debt, interest \$9.31. Clerks & Sheriffs costs \$4.31 and 65 cts commission. They do not know whether an execution was in his hands for the whole debt interest & costs or for the interest & costs <sup>only</sup>. But be this as it may, the payment last aforesaid was



made by them on said debt or judgment which will more fully appear by the receipt of said Judge here filed as a part of this Bill marked (B). your orators do not know whether said sheriff returned on said Fi Fa that they have collected said sum or give them credit therein for the sum or not, your orators further charge that the said Joseph Ely, the Beneficiary in said Judgment, has recently, to wit on the 28th day of July 1870 wrongfully and unjustly paid out of said clerk's office another Fi Fa for \$1162.25 with interest thereon from the 15th day of July 1861 til paid. \$4.89 costs. Being the full amount of the penalty of the forthcoming bond on which the judgment was rendered, it is true that it is entered on said Fi Fa that the plf releases all of the sum \$58,12 of said Fi Fa, and a credit of \$9,30 paid the day of 1869 is entered thereon. Being a part of the last named sum paid by your orators But they charge the said Ely & sheriff wholly failed to render to your orators a credit for the amount aforesaid paid on said Judgment, and has now placed in the hands of Wm W Sage Sheriff of Lee County said Fi Fa and he is proceeding to & will collect the whole of the sum again off of your orators without giving them credit for the sum aforesaid paid by them. unless restrained by your

honor, your orators has applied to the said Ely to have said credit rendered, so that they may be relieved from the unjust burden of paying again the said sum of \$357. & its int from the date it was paid and the \$4.29 cents, yet he wholly fails & refuses to render said credit and will must unjustly collect the same again unless restrained by injunction, your orators are without remedy at Law and only relievable in Chancery. They therefore pray your honor to take cognizance of their cause & grant them relief. They pray for an injunction restraining the said Joseph Ely & all others from collecting on said Fi Fa \$357 with interest from the 2d day of April 1863 and \$4.29 paid the 24th of Sept 1869, until your orators can be heard in equity & on a final hearing that said injunction be made perpetual. They pray for all such other & further relief as they may be entitled to in Equity. To that end they make Joseph Ely a defendant to this Bill & pray that he answer the same, and may it please your honor to award him the commissions & summons against the debt to answer &c, and as in duty bound they will ever pray &c

I swear the Statute self for the same law. Burrows P 9  
Sworn to & subscribed before me this 1st day of Nov 1870  
J. B. West clk



Plffs cost C<sup>d</sup> 2.71

1870. Jones et al

vs. Bell

Joseph

Plffs cost C<sup>d</sup> 3.23

1870. May - Sup. Court

Ordering the defendants  
from collecting the sum  
of \$363.62 of the fund in  
the late mentioned - Bond  
in the sum of \$740. required

" Bond. Decided May 25  
" June 5. Deft. say fees his ans.  
to Plffs Bill by leave of court.  
July. Court d.

Sup. Court Plffs to show  
cause why Sup. should not  
be dissolved &c &c

Defit Decree Final

~~Sett. Court~~

Not Motenue

Defto costs.

C 3.23

u 15.00

\$ 1.00

18.23

Chd 111



To the Honorable Judge of the County Court of  
Lee County -

Answer of Joseph Ely to a  
bill filed in this Court, by <sup>et als</sup> Wm. S. Jones, against  
this respondent - who saving & reserving to him-  
self all just & proper exceptions to said bill  
for its many errors and mistatements, for an-  
swer thereto or so much as he deemed proper  
to answer, answering he says, it is true  
~~he~~ <sup>one Jones & another</sup> obtained a judgement against the com-  
plainant et als - for the amount stated in the  
pliffs bill, <sup>at that period it is the beneficiary therein</sup> that this judgement was for the  
penalty of a forth coming bond - and only half  
was recoverable and respondent in view thereof  
by his Counsel released half of the said judg-  
ment & endorsed the same on the said sign.  
It is also true that none of the said  
judgement has ever been paid to this com-  
plainant or any one for him by his directions  
except the small amount whatever it may  
be that has been paid Wm W. Sage - as to the  
amount sought to be enforced as paid to  
John Parsons late sheriff, respondent will  
state how that matter stands: Your orator was  
often importuned, to take Confederate States  
Treasury note for said debt but he always  
refused. Knowing the same was much inflated  
by the existence of the then prevailing war -  
The said Parsons offered him the money but  
he refused & always demanded, & does now  
demand good & lawful money for the same  
which when offered he has always been ready  
to except -



But as to the allegation that the said money was paid when a former execution, was in full force, respondent states that he is informed that such is not the fact, but that same was paid long after the execution, on which the sum of \$~~100~~, was alleged to have been paid was paid if at all long after the said execution had ceased to be of any virtue, the return day of the same having long before, the payment thereof to Persons as stated by pl. ff, passed

And if such is the fact not even the securities of Persons ~~as sheriff~~ could be held liable to your respondent ~~on any one else~~, for the sums thus received. And respondent ~~is in~~ informed & believes that the execution on which the said sum was paid as stated by the complainant, was returned to the Clerk's office of this Honorable Court enclosed by the sheriff Persons, that this respondent refused to the inflated Confederate States treasury notes in discharge of the debt, that the date of said return if correct, shows the money to have been paid long after the return of said ~~fi fa~~ had passed.

He denies therefore the allegation in pl. ff bill as to the payment of the money to sheriff Persons, while the same was in full force & call for strict proof of the same. And having fully answered, he prays hence to be dismissed with his costs & that said injunction be dissolved. — *Raymond Pickens*

and made oath that the <sup>statements</sup> set forth in the foregoing answer are true so far as they depend on his own knowledge & that he believes them to be true so far as dependent upon the information of others. Teste—John B. West, clk

Lee County Court, Clerk's Office, June 24-1870.

This day Joseph Ely appeared before me,



Joseph. Ely

ads } answer

Wm A Jones

---

1870 June Term. filed



William A. Jones et al. pl. ffs }  
Against } In Chy-  
Joseph Ely - - - - - Deft 2

This cause came on this day by consent of parties, to be heard upon the bill of the pl. ffs & exhibits filed therein, the answer of defendant and exhibits therewith filed and was argued by counsel, and consideration whereof the court is of opinion and doth so adjudge order and decree, that the injunction heretofore awarded in this cause be dissolved <sup>but</sup> without damages and it is agreed by the parties that no execution issue against the pl. ffs until after the October term 1870 of the County Court of this County, any further than the existence of liability outside this dissolution. And it is further ordered that the pl. ffs pay to the defendant his costs in the injunction of over said -



Wm A. Jones et al.

vs } ~~James~~

~~Joseph Ely~~  
~~Sept. 7. 1870~~

Entered C. B. Page 71.

James W. Orr, D. C.

Am

Enter this decree

H. Morgan

Sept 20th 1870

Chd 111







Wm A Jones & others

vs } Deceit

Joseph Ely & others

Entered this Deceit

H. F. Morgan

chd III

May 17 1850



Know all men by these presents, That we, William A. Jones  
and James F. Jones, both of Lee County and State of Virginia  
are held and firmly bound unto ~~James F. Jones~~ <sup>James F. Jones</sup>, who ~~is~~ <sup>is</sup>  
~~for the benefit of Joseph Ely~~ Joseph Ely in the sum of \$746.  
to which payment well & truly to be made to the said Ely  
we bind ourselves, our heirs &c. firmly by these presents.  
Witness, our hands & seals this 27<sup>th</sup> day of May 1870.

This condition of the above obligation is such that  
whereas the above bound William A. Jones and James F. Jones  
and John Riddle have obtained from the Judge of the County  
Court of Lee County an Injunction restraining the defend-  
ant Joseph Ely and all others concerned from further  
proceeding to collect the sum of \$363.62 of a judg-  
ment and execution at law, rendered in the County  
Court <sup>of Lee County</sup> at the Term 1869 thereof. Now, therefore,  
if the said William A. Jones and James F. Jones  
shall well & truly pay the said sum of \$363.62  
with such interest as may have accrued thereon, in case  
the said Injunction shall be dissolved, and shall  
further indemnify & save harmless the said  
his security in the Forth coming Bond upon which said  
Judgment was obtained, then this obligation to be void  
otherwise to remain in full force and virtue

Wm A Jones <sup>seal</sup>  
James F Jones <sup>seal</sup>  
William W. Suggett <sup>seal</sup>



1722 A Jones et al

no 3 Injunction Bond

Joseph Ely



Know all men by these presents, That we, John Parsons, and Elijah Pennington, Jos. Willis, James M. Young, A. D. Stout, S. S. Crockett, James M. Parsons, William Parsons, William H. Hughes, Eli B. Crockett, Ira G. Sprinkle, Doctor F. Wells, William Parsons, Joseph P. Bishop, A. D. Zion John Payne, Alexander Payne, Solomon Payne, Thomas Halkum, Marion D. Richmond, and Isaac T. Bishop are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of ninety thousand dollars, to which payment, well and truly to be made to the said Commonwealth, we bind ourselves, our and each of our heirs executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 21st day of January 1861.

The condition of the above obligation is such, That whereas the above bound John Parsons was, on the 24th day of May 1860, duly elected by the qualified votes of the County of Lee Sheriff thereof, to serve as such for the term of two years, commencing on the first day of January 1861 and after the said term of office shall have expired until his successor is qualified to enter upon the discharge of the duties of said office. Now, therefore, if the said John Parsons shall faithfully discharge the duties of his said office according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Ira <sup>his</sup> G. Sprinkle <sup>mark</sup> (seal)	John Parsons (seal)
+ Doctor F. Wells (seal)	Elijah Pennington (seal)
+ William Parsons (seal)	Joseph <sup>his</sup> Willis <sup>mark</sup> (seal)
Joseph P. Bishop (seal)	+ J. M. Young (seal)
A. D. Zion (seal)	A. D. Stout (seal)
John <sup>his</sup> Payne <sup>mark</sup> (seal)	S. S. Crockett (seal)
Alexander <sup>his</sup> Payne <sup>mark</sup> (seal)	J. M. Parsons (seal)
Solomon Payne (seal)	William <sup>his</sup> Parsons <sup>mark</sup> (seal)
Thomas <sup>his</sup> Halkum <sup>mark</sup> (seal)	+ William H. Hughes (seal)
M. D. Richmond (seal)	E. B. Crockett (seal)
I. T. Bishop (seal)	

Those marked  
thus + are men

A copy -

Leat - John B. West, clk



John Parsons

copy of Bond as sheriff  
- date of bond Jan'y 21st  
1861.

chd 106



Virginia

At a Court of Quarter-sessions continued & held for Lee  
County, at the Court-House, on Wednesday, Aug. 17-1870.

William A. Jones et al - - - - - Plaintiff

vs.

In Chancery.

Joseph Ely - - - - - Defendant

On the motion of the defendants, It is ordered that the plaintiffs  
in this cause be each summoned to appear here on the first day of the  
next term, to shew cause, if any they can, why the injunction  
heretofore granted them should not be dissolved, and that each  
be served with a copy of this order, and the cause is continued.

Leshe - Jno. B. West, clk.



Jos. Ely

ad { sums on a Rule

3.23  
16.00  
1.00

Wm A. Jones et al.

1st day Nov. Term 1870

E He cited an James  
A Jones By Delia  
is his wife and  
attested copy of  
the within Expla  
ning the same to her  
at the house of Jno  
A Jones on the 16  
of Sept 1870

William W. Sage sxb

E He cited up  
William A. Jones  
Sept the 17. 1870

Wm W Sage sxb